

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:09-CR-0037-WBH
DAVID DIAZ,	:	
Defendant.	:	

ORDER

This matter is before the Court for consideration of the Report and Recommendation (R&R) of the Magistrate Judge, [Doc. 91], in which the Magistrate Judge recommends that Defendant's motion to reopen evidence, [Doc. 81], be denied.

Defendant has filed a document styled as an objection, [Doc. 94], but states therein that he "relies upon his motion to suppress, the transcripts of the suppression hearing, his motion (with attachments) to open the record and present additional evidence and his brief filed in support of the motion to reopen," without further specifying why he disagrees with the Magistrate Judge's conclusions. In order to trigger *de novo* review of an R&R, the objection must be "specific." Fed. R. Crim. P. 59(b)(2). General objections which reassert arguments by reference to prior pleadings do not suffice. Nettles v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. Unit B 1982) ("Frivolous, conclusive or general objections need not be considered by the district court."); see Jones v. Sec'y for Dep't of Corr., 131 Fed. Appx. 164, 166 n.3 (11th Cir.

2005) (noting that while the Fifth Circuit has overruled Nettles, the case remains binding precedent in the Eleventh Circuit). In the absence of objections that comply with Rule 59(b)(2), this Court need only perform a plain error review. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir.1983).

Having performed such a review, this Court concludes that the R&R is correct as to law and fact and **ADOPTS** it as the Order of this Court, and Defendant's motion, [Doc. 81], is **DENIED**.

IT IS SO ORDERED, this 31 day of January, 2011.

Willis B. Hunt
WILLIS B. HUNT, JR.
UNITED STATES DISTRICT JUDGE